

Approved Minutes of the Technical Advisory Meeting
May 13, 2003

Members present: Roger Thompson Gail Center
 Steve Revell Gerry Kittle
 Barb Willis Jeff Williams
 Rodney Pingree Kim Crosby
 Jeff Wennberg Phil Deckert

Others attending: Frank O'Brien

Scheduled meetings

June 17, 2003	11 AM	Well Driller's Subcommittee – Water Supply Conference Room
June 17, 2003	1-4 PM	TAC Appalachian Gap Room
July 15, 2003	1-4 PM	TAC Mad Tom Room
August 19, 2003	1-4 PM	TAC Mad Tom Room

Review of Agenda –

The agenda was reviewed with items added related to scheduling the next few meetings and discussion of the well driller's subcommittee activities.

Review of Minutes –

Barb asked for clarification of Karen Horn's effect on legislation that was discussed at the April 15, 2003 meeting. This led to a discussion about the prohibition on towns adopting rules that are more stringent or less stringent than the state standards except for the current choice of basing town rules on the current state rules or the 1996 rules. The committee discussed the concerns about well shields crossing property lines and the use of triangulation in well protection for replacement wells. Gerry noted that Colchester has more stringent rules on setbacks to surface water and is considering moving to the current state standards. Gerry asked if the Agency had determined the high water elevation for Lake Champlain to be used as point to measure the setback from. The Agency has not set an elevation, though 100' seems to be reached most years. The comment that more progress was hoped for was actually by Sen. Scott, not Sen. Gossens and the minutes will be corrected. Gail noted that the Labor and Industry training included control systems in general and is not limited just to water storage tanks.

Commissioner Wennberg –

Commissioner Wennberg gave a short statement of his understanding of the committee and his role in dealing with issues. He indicated that while he did not think he could, or needed to, attend every meeting, he is interested in the outcomes and supports the process.

Well Driller's Subcommittee –

The subcommittee will meet June 17, 2003 at 11 AM. One agenda item will be to discuss a process for granting reductions in isolation distances for replacement wells.

Legislative Update –

Roger reported that H.309 had passed and would be effective immediately. H.309 extends the buildout time from November 1, 2002 until November 1, 2004 and provides a minor change in the certification language. It also requires the Agency to prepare a notice and provide copies to the towns for enclosure in the next property tax bill or other town wide mailing. H-319 has passed the House and was included in some form in the budget bill and so will likely appear in some form at the end of the session. The Commissioner noted that this only affects Act 250 jurisdiction and will not change our ability to regulate the public health issues. He also noted that Secretary McLain had been carrying a huge load throughout the session as she was dealing with all of the legislative work, while he, being new on the job, was working on getting the Department budget and operations under control.

Innovative Systems –

Frank gave an update on his work.

1. The Spec AIRR system has a draft approval in the works, which Frank will review with the TAC before issuing a final decision.
2. Bioclere has an application in for review. This is a trickling filter over a clarifier type system.
3. Infiltrator has requested a reduction in size for their leaching chamber product. The request is based on some testing they have had done. We are looking into what other states have done. Infiltrator is very aggressive and has attempted to bypass the regulators and go directly to legislators in some states and has sued or threatened to sue in many others. Steve noted that one of the test procedures is based on sand as the receiving soil and it may be that with finer grained soils the results might be very different.

4. The Puraflow peat based system seems to be similar to the already approved Ecoflow Biofilter and should be a good candidate for approval. It will be reviewed in the next few weeks to see if there is enough information to issue a draft approval letter for review and comment.
5. The Department has been asked about use of crushed concrete. Someone told another state that three states, including Vermont had approved its use. None of the states, including Vermont has done so. The committee mentioned several potential issues related to breakdown in the septic environment. Everyone has seen the kind of erosion that occurs in septic tank baffles, for instance.

Implementation of the New Rules –

Roger asked for feedback on how the new rules are working. Steve said that for sites with some slope and textures coarser than silt-loam the desk top approach was working well. Flat sites and fine-grained soils are still problem sites. Gerry said that he believed about 20 performance based systems had been approved. Gerry also noted that Camp PreCast has developed a new outlet filter arrangement that seemed to work well. Jeff Williams noted that it is still not clear when water quality testing is needed. He talked to the Essex office about a specific project and could not get a final answer.

Model Groundwater Protection Ordinance –

At least Karen Horn, Rodney, Kim, and Gerry want to be involved in the process. Roger will get the EPA model that Marilyn Davis found and e-mail to them.

Committee Participation in Rule Adoption –

Roger asked about the role that the committee members wished to take in the rule adoption process. An earlier process had involved one or two committee members attending the public informational meetings and providing support for those items supported by the committee. Steve noted that it does reassure the public when a local person known to the audience helps explain the proposal.

Well Driller's Subcommittee Issues –

Jeff raised the issue of reduction in distances to wells based on extra depth of casing and grouting. There are many issues involved in deciding when the specific situation will be safe including the soil type, bedrock type and fracture patterns, slope, depth of soil to bedrock, water table, ground slope. Jeff asked about doing a large scale water quality testing program with each well driller taking on a piece to see what actually happens. Water quality testing might not answer the question because virus testing is difficult and expensive and everything else provides only indicators. This topic should be a TAC issue for future review as there are many sites than cannot meet the required isolation distance.

Subcommittees

Hydrogeology - Allison Lowry, Craig Heindel, Dave Cotton and Steve Revell.

Training subcommittee - John Forcier, Roger Thompson, Allison Lowry, Dave Cotton, Barbara Willis and Marilyn Davis.

Licensed designers - Spencer Harris, Gary Fern, Alan Huizenga for Lance Phelps, and Gerry Kittle.

Well driller's knowledge checklist-- Jeff Williams, Rodney Pingree, Roger Thompson, Bernie Chenette and Steve Revell.

Interested in the delegation rules-- Spencer Harris, Gerry Kittle, Kimberley Crosby, Phil Dechert, Gary Fern and Alan Huizenga